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July 8, 2019

Mr. Donald Stockdale, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**RE: WT Docket No. 17-200
Request for Modification
Public Notice, DA 18-949
900 MHz Temporary Filing Freeze**

Dear Mr. Stockdale:

On September 13, 2018, the Wireless Telecommunications Bureau (“Bureau”) announced a temporary freeze on certain applications for spectrum in the 896-901/935-940 MHz band (“900 MHz Band”).¹ The Bureau explained that the purpose of the freeze was “to preserve the current landscape of authorized operations in the 900 MHz band pending Commission action as part of its ongoing inquiry into potential rule changes to promote next generation technologies and services in the band.”²

On March 14, 2019, the Commission adopted a Notice of Proposed Rulemaking (“NPRM”) in which it proposed a realignment to create 900 MHz Band broadband and narrowband segments.³ This would be accomplished by retuning systems with frequencies in the proposed broadband segment (897.500-900.5/936.5-939.5 MHz) to replacement frequencies in one of the two narrowband segments (896-897.5/935-936.5 or 900.5-901/939.5-940 MHz). The NPRM asked for comment on its proposal that, “We would lift the freeze on B/ILT applications to allow incumbents to file applications necessary to effectuate relocation.”⁴ No objections have been submitted in response to the FCC’s proposal, which is an essential element

¹ Wireless Telecommunications Bureau Announces Temporary Filing Freeze on the Acceptance of Certain Part 90 Applications for 896-901/935-940 MHz (900 MHz Band) Spectrum, *Public Notice*, DA 18-949 (rel. Sept. 13, 2018) (“Freeze”).

² *Id.* at 1.

³ *Review of the Commission’s Rules Governing the 896-901/935-940 MHz Band*, WT Docket No. 17-200, Notice of Proposed Rulemaking, 84 FR 12987 (Apr. 3, 2019).

⁴ *Id.* at ¶ 36.

in implementing the realignment that the NPRM described as one that would “create robust broadband networks that fully support critical communication systems....”⁵

pdvWireless, Inc. d/b/a Anterix (“Anterix” or “Company”) helped to initiate and remains a strong supporter of the proposed realignment to create a 900 MHz Band broadband option.⁶ It is committed to working with industrial entities such as utilities and other organizations that provide critical services in the deployment of private broadband networks built to their specifications. Prior to announcement of the Freeze and, thus, before adoption of the NPRM, Anterix consummated voluntary agreements to exchange frequencies with a number of incumbents. In most cases, these incumbents were in the process of upgrading or replacing their systems and wished to construct on frequencies outside what was expected to be the broadband segment.

Now that the NPRM has been adopted, the Company suggests that the Freeze be modified to provide greater flexibility, consistent with the findings in that Order. 900 MHz Band incumbents should be permitted to exchange frequencies in the broadband segment voluntarily for frequencies in the narrowband segments on a 1:1 basis. If the replacement narrowband frequencies are acquired through the coordination process, the authorization for the broadband segment frequencies would be canceled. If the incumbent secures narrowband frequencies through a mutual assignment with another incumbent, the non-relocating assignee’s license should be conditioned on the cancellation of the broadband segment frequencies, without a claim for comparable facilities or payment of costs, if the FCC adopts final rules that provide for clearing the broadband segment. Allowing incumbents to begin the relocation process voluntarily, even before final rules are adopted, will accelerate that process without prejudging or compromising the outcome of the proceeding.⁷ No licensee will be under an obligation to enter into an exchange agreement at this time; all actions will be entirely voluntary. Should the FCC decide not to proceed with creation of a 900 MHz Band broadband option, the same number of narrowband frequencies will be assigned to incumbents, just different frequencies, that in all cases would be consistent with current FCC rules, including those regarding 900 MHz co-channel protection criteria.

Anterix understands that there are pending requests for a broader relaxation of the Freeze,⁸ and for individual waiver relief.⁹ Approval of the Freeze modification proposed herein would obviate the need for individual waiver relief in some instances and would not be in contradiction to the broader relief requested.

⁵ *Id.* at ¶ 8.

⁶ Petition for Rulemaking of the Enterprise Wireless Alliance and Pacific DataVision, Inc., RM-11738 (filed Nov. 17, 2014).

⁷ See pdvWireless, Inc. Comments at pp. 25-28 (filed June 3, 2019).

⁸ See Petition for Reconsideration or Clarification of the Utilities Technology Council, WT Docket No. 17-200 (filed Oct. 15, 2018).

⁹ See, e.g., ULS Application File Nos. 0008695770, 0008695803, and 0008453005.


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A number of incumbents have indicated to Anterix a desire to begin the relocation process as soon as possible, but are prevented from doing so because of the Freeze. The Freeze modification requested would allow the voluntary exchange process to begin, and thereby expedite the broadband segment clearing process proposed in the NPRM.

Very truly yours,

A handwritten signature in black ink, appearing to read "Elizabeth R. Sachs". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth R. Sachs
Counsel for pdvWireless, Inc.
d/b/a Anterix

cc via email:

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